



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of

Confirmation No. 4563

Raymond C. Crippen

Group Art Unit: 1755

Application Serial No. 10/042,283

Examiner: D. Brunzman

Filed: January 11, 2002

For: ACTIVATED CHARCOAL BASED COMPOSITION AND METHOD FOR REDUCING
HANGOVER SYMPTOMS ASSOCIATED WITH THE CONSUMPTION OF ALCOHOL
CONTAINING BEVERAGES

* * * * *

DECLARATION UNDER 37 C.F.R. §1.132

Hon. Commissioner of Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

I, **THOMAS F. MORSE**, President of *Innovation Ventures, L.L.C.*, do hereby
declare as follows:

1. I am a co-founder of Innovation Ventures, L.L.C., currently doing business under the name Living Essentials. This corporation was founded in June 2000 and I have served as the President since that time.
2. I am a co-inventor of US Application Serial Number 10/042,283.
3. I have read and understand the objections raised by the Examiner in Office Action mailed October 16, 2003 (Paper No. 8).
4. I have read and understand the publication referred to as the "ChaserTM publication" by the Examiner in the October 16, 2003, Office Action which, to the best of my knowledge, appears to be a printed version of portions of our website.

BEST AVAILABLE COPY

5. Although this document does mention that Chaser "has been taken by people for five years" this statement refers only to non-public uses. Specifically, this document is referring to closed clinical studies performed to investigate the effects and efficacy of the Chaser product on relieving the deleterious effects of alcohol consumption on test subjects.

6. These studies were carried out under appropriate supervision at the direction of professional researchers who carefully monitored the test subjects during these studies. The test substances were administered to the subjects at the research center, were the subject was also observed after administration.

7. Exhibit A is a redacted copy of a representative "Confidentiality Agreement" governing the parties conducting these clinical studies. This agreement prohibits these parties from disclosing the composition of the test substances, including the Chaser formulation.

8. The test subjects who participated in these studies were informed only generally as to the nature of the substance they would receive. Exhibit B is a redacted copy of a representative informed consent document that each subject was required to sign. Specifically, information regarding the identity of the substances the subjects would receive was limited to a statement regarding the class of drugs (e.g., an antihistamine, sedative or tranquilizer, a natural product mixture, or a placebo). At no time was the formulation of Chaser disclosed to the subjects.

9. Chaser was not sold or used publicly until after January 12, 2001.

10. I declare that all statements made herein are of my own knowledge or belief and, to the best of my knowledge, are true. I am also aware that willful false statements are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that willful false statements may jeopardize the validity of the application and any patent issuing thereon.

1-16-04

DATE

Thomas F. Morse

THOMAS F. MORSE

President,

Innovation Ventures, L.L.C.